

REMARKS

Claims 1-5, 8-10, and 13-18 are pending in the application. Claims 1-4, 9, 13-14, and 16 are amended herein. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

On 05/05/2009, the Examiner participated in a telephonic interview with Applicant's attorney Yuri Gruzdkov. The Applicant thanks the Examiner for the courtesy of that interview.

Claims 1-4, 9, 13-14, and 16 are amended to correct certain antecedent-basis problems as suggested by the Examiner during the interview. Method claim 9 is further amended, as suggested by the Examiner during the interview, to make certain limitations of that claim consistent with the corresponding limitations of apparatus claim 1. All these amendments are made solely for clarification purposes and based on the results of interview. None of these amendments are made to avoid the current prior-art rejections under §§ 102 and 103.

On page 3 of the office action, the Examiner rejected claims 1-2, 5, 8-10, and 15-18 under 35 U.S.C. § 102 as being anticipated by Linnett. On page 7, the Examiner rejected claims 3 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Linnett in view of Street. On page 8, the Examiner rejected claims 4 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Linnett in view of Holmes.

For the following reasons, the Applicant submits that all pending claims are allowable over the cited references.

Claim 1 recites, inter alia, that the beacon includes an identification code selected from a serial number and a phone number of the mobile phone set. The Applicant reiterates the previously submitted arguments that Linnett does not explicitly teach or fairly suggest this limitation. At best, Linnett suggests that a beacon signal might include only an emergency contact reference (col. 3, lines 42-44), GPS location information (col. 3, lines 52-57), and/or the user name and PIN (col. 11, lines 17-18). However, each of these items differs from and does not include the serial or phone number of the set, as explicitly required by claim 1.

For at least these reasons, it is submitted that the rejection of claim 1 under 35 U.S.C. § 102 over Linnett is improper and should be withdrawn and that claim 1 is allowable over the cited references. For similar reasons, it is submitted that claim 9 is also allowable over the cited references. Since claims 2-5, 8, 10, and 13-18 depend variously from claims 1 and 9, it is submitted that claims 2-5, 8, 10, and 13-18 are also allowable.

Claim 8, which depends from claim 1, further specifies that "the beacon includes emergency information received from the short range transceiver." Claim 16, which depends from claim 9, recites a similar limitation. The Applicant reiterates the previously submitted arguments that Linnett does not explicitly teach or fairly suggest this limitation. In particular, in the rejection of claims 8 and 16, the Examiner cites and relies on Linnett's col. 12, lines 27-33, which states that:

The control module **60** controls communication with external devices such as a personal computer and a test equipment via interfaces **72**. An infrared interface or wireless network protocol interface may be provide for communication without direct cable connection. A serial communication link using RS232C style adapter could be accommodated in this module.

While it is true that this passage fairly suggests that Linnet's device **10** is capable of receiving data from a short-range transceiver, it is also true that this passage contains absolutely nothing about a

possible inclusion of the received data **into a beacon signal**. These facts provide additional reasons for the allowability of claims 8 and 16 over Linnett.

Claim 17, which depends from claims 9 and 16, further specifies that “the short range transceiver communicates with a black box recorder of a vehicle; and the beacon includes emergency information received from said black box.” Claim 18, which depends from claims 1 and 8, recites a similar limitation.

The Applicant submits that the cited references do not teach or even suggest examples of the features specified in claims 17-18. This fact provides additional reasons for the allowability of claims 17-18 over the cited references.

In view of the above amendments and remarks, the Applicant believes that all pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Fees

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to **Mendelsohn, Drucker, & Associates, P.C. Deposit Account No. 50-0782**.

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Respectfully submitted,

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